

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:) Bankruptcy Case No. 09-40314
) Chapter 11
DONALD YELTON and)
JOAN YELTON,)
)
)
)
) Debtors.

**APPLICATION FOR INTERIM CHAPTER 11 TRUSTEE'S COMMISSIONS BY
TRUSTEE, ROBERT C. BARNETT, JR. FOR THE PERIOD
SEPTEMBER 2, 2009 THROUGH NOVEMBER 30, 2009**

Robert C. Barnett, Jr., Chapter 11 Trustee for the bankruptcy estate of Donald Yelton and Joan Yelton (the "Trustee"), requests authority to pay to himself as compensation \$7,823.70, and says in support thereof the following:

1. This Chapter 11 bankruptcy case was filed on April 17, 2009.
2. The Trustee was appointed as Chapter 11 Operating Trustee on September 2, 2009.
3. That pursuant to 11 U.S.C. § 331, Trustee has authority to be awarded interim fees and expenses.
4. Trustee is requesting an interim Trustee's commission pursuant to 11 U.S.C. §§ 326 and 331. From September 2, 2009 through November 30, 2009, the following disbursements have been made by the Chapter 11 estate as shown on the Monthly Status Reports:

September 2009	\$17,765.21
October 2009	\$29,227.10
November 2009	<u>\$27,343.72</u>
TOTAL:	<u>\$74,336.03</u>

COMPUTATION OF ALLOWABLE TRUSTEE COMMISSION:

Rate for cases filed on or after October 22, 1994:

25% of the first \$	5,000.00	=	\$ 1,250.00
10% of the next \$	45,000.00	=	\$ 4,500.00
5% of the next \$	950,000.00	=	\$47,500.00
3% in excess of \$1,000,000.00		=	\$76,785.00

TOTAL ALLOWABLE TRUSTEE'S COMMISSION: \$6,966.80

5. In addition, the Trustee has incurred the following reasonable and necessary expenses of \$856.90, as shown on Exhibit A.

WHEREFORE, the Trustee respectfully requests interim Trustee commissions of \$6,966.80 and expenses of \$856.90, and for such other and further relief as the Court deems just and proper.

DATED this 11th day of January, 2010.

/s/ John W. Taylor
John W. Taylor, Bar No. 21378
Attorney for Trustee
13777 Ballantyne Corporate Place, Suite 320
Charlotte, NC 28277
(704) 540-3622

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the APPLICATION FOR INTERIM TRUSTEE'S FEES BY TRUSTEE, ROBERT C. BARNETT, JR. by either Electronic Case Filing as indicated or depositing copies of same in the exclusive care and custody of the United States Postal Service, with proper postage thereto affixed to the below listed parties this 11th day of January, 2010.

H. Trade Elkins
Attorney for Debtors

Via Electronic Case Filing

Robert C. Barnett, Jr.
Chapter 11 Trustee

Via Electronic Case Filing

Linda Simpson
Bankruptcy Administrator

Via Electronic Case Filing

/s/ John W. Taylor
John W. Taylor, N.C. Bar No. 21378
Attorney for Trustee
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